

REMARKS/ARGUMENTS

The Abstract of the Disclosure has been objected to because of the inclusion of the term “means”. The recitation “means of” has been deleted from the abstract.

Claims 1-3, 14, 18-21, 24, 25, 30-36, 43 and 51-53 stand rejected under 35 USC §102(a) as anticipated by U.S. Patent No. 6,978,822 to Schoonen (‘822 patent). The Examiner relies upon Schoonen as disclosing a roll-up curtain comprising plural curtains 11, 12, 30 and 34, plural fixed rods 2, plural rotatable rods 9, 10 and 32, rotary drives 3, 7 and 8, and vertical guideways 28.

Claims 12, 13, 22, 23, 37 and 38 stand rejected under 35 USC §103(a) as being unpatentable over Schoonen in view of U.S. Patent No. 6,155,326 to Imhoff et al (‘326 patent). The Examiner acknowledges that Schoonen does not disclose the manner in which the curtains are secured to the rods. For this, the Examiner relies upon Imhoff as disclosing a roll-up curtain which employs the use of connecting pins 54, which the Examiner alleges would have been obvious to incorporate in Schoonen for the purpose of fastening the curtain to a rod.

The Examiner objects to claims 4-11, 15-17, 26-29, 39-42 and 44-50, but indicates that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 1 has been amended to recite that the rotary drive includes “an electric motor disposed intermediate said first and second curtain sections and coupled to adjacent ends of said second and fourth lower rods” as previously recited in canceled claim 2. Claim 32 has been amended to recite “first and second rotary drives including

first and second electric motors respectively coupled to a first end of said second lower rod and a first end of said fourth lower rod” as previously recited in canceled claim 39.

The claimed invention is directed to a roll-up curtain comprising first and second curtain sections, each including a first fixed upper rod attached to a support structure and a second lower rod. The two curtain sections are aligned and laterally spaced from one another as shown in FIGS. 1 and 2. A rotary drive including an electric motor is disposed intermediate the first and second curtain sections and is coupled to the lower rods of each of these curtain sections for rotationally displacing these lower rods in a first direction for simultaneously rolling-up the first and second curtain sections in opening these two curtain sections, and for rotationally displacing the two lower rods in a second, opposed direction for simultaneously unrolling the first and second curtain sections from their associated lower rods in closing the first and second curtain sections.

The use of multi-section roll-up curtains, wherein each section includes plural vertically aligned curtains which are simultaneously rolled-up and unrolled, are increasingly being used to cover an opening, such as a doorway in a building structure, or as a movable partition, wall or curtain in the structure. An increasingly common use of these types of roll-up curtains is in dairy barns for quickly and easily controlling air flow as well as access to the outside environment for large numbers of cows. At high temperatures it is important to provide sufficient ventilation to allow warm moisture to escape to the outside environment, to protect the cows from drafts and cold air at lower temperatures, and to keep the cows dry. The increasing size of herds has led to the construction of larger buildings offering improved ventilation and environmental isolation characteristics. This has resulted in the use of increasingly longer curtain

lengths with corresponding increased demand on the curtain support structure and drive mechanism. The increasing weight of the curtains and their support structures as well as the curtain drive mechanisms has resulted in the application of large torques arising from the unwinding forces exerted by the long length of the roll-up curtain on the curtain support/drive mechanism. This increased torque places increased stress on the curtain support structure and its drive mechanism. Where a roll-up rod is attached to a lower end of the flexible curtain, a complicated displacement and support mechanism is typically required to provide vertical movement of the rod during curtain roll-up and unrolling.

The patent to Schoonen is an example of this type of complicated displacement and support mechanism for vertical movement of the curtain and its lower roll-up rod. In Schoonen, the drive motor is "immovably fastened to the frame construction 2" at a location above the upper screen 11 as shown in FIG. 1 and as described in column 3, lines 45 and 46. Because of the position of the drive motor 3 above the upper screen 11, a complicated power transmission arrangement is required for raising and lowering the upper and lower screens 11 and 12. This power transmission arrangement includes the combination of an auxiliary shaft 4 connecting the drive motor 3 to a right angle transmission 5, and a vertically aligned drive shaft 6 connected to an upper transmission device 7 and a lower transmission device 8. Upper transmission device 7 is connected to a first lower tube 9 for rolling up and unrolling the upper screen 11, while the lower transmission device 8 is coupled to a second lower tube 10 for rolling up and unrolling the lower screen 12. Each of these transmission devices places a load on the drive motor 3, primarily arising from friction and the mass of the individual moving components of these devices, which reduces the power available for moving the curtain sections. The

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right angle transmission device 5 is particularly lossy in this regard. The increased weight of the rotary transmission components in Schoonens upper and lower transmission devices 7, 8 which travel up and down with the two curtain sections also limits the power output from the drive motor 3 available for raising and lowering the curtain sections. This, in turn, limits the length of the curtain sections with which the Schoonen curtain drive arrangement is capable of operating. Applicant's invention, by locating the rotary drive intermediate the first and second laterally spaced curtain sections and directly connecting the rotary drive to the roll-up/unroll rods of each of the curtain sections, is a more efficient drive arrangement than that of Schoonen and allows for the operation of longer curtain sections with drive motors of the same rating than that of Schoonen. By eliminating Schoonen's right angle and upper and lower transmission devices, the weight of the load on the drive motor is substantially reduced as are the frictional losses inherent in Schoonen's additional rotation transmission devices. In addition, by applying the force of the curtains' weight symmetrically to the curtains' support/rotary drive mechanism, mechanical stress on the rotary drive mechanism is reduced, prolonging its operating lifetime.

Amended independent claim 1 recites "a rotary drive including an electric motor disposed intermediate said first and second curtain sections and coupled to adjacent ends of said second and fourth lower rods." Amended independent claim 32 recites "first and second rotary drives respectively including first and second electric motors respectively coupled to a first end of said second lower rod and a first end of said fourth lower rod" of the first curtain section and the second curtain section, respectively. In this context, Webster's Third New International Dictionary (Unabridged) defines the term "drive" as

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“the means for giving motion to a machine or machine part, such as an electric drive.”

See attached Exhibit A. This is the function provided by Schoonen’s motor 3 and by the electric motors described in the present application. Thus, Schoonen’s “rotary drive” is not disposed intermediate a pair of laterally spaced shades for rolling up and unrolling the shades. Nor does Schoonen disclose first and second “rotary drives” coupled to respective ends of a pair of rods, where each of the rods is part of a respective shade section. This is not the case in Schoonen. In Schoonen, the right angled transmission 5 and upper and lower transmission devices 6 and 8 are disposed between laterally spaced shades. In addition, it is the upper and lower transmission devices 7 and 8 which are respectively coupled to lower tubes 9 and 10 within the upper and lower shades 11 and 12. Webster’s Third New International Dictionary (referenced above) defines “transmission” as “an act, process or instance of transmitting; the gear by which power is transmitted from the engine of an automobile to the live axle.” Thus, in Schoonen it is not the rotary drive, or the source of rotary power, used to raise and lower the shade sections which is disposed between the shade sections and connected to the rods attached to the shade sections, but rather it is an arrangement for transmitting the rotational motion of a motor to the rods, or tubes, connected to the shade sections. As noted above, the use of this complicated rotary power transmission arrangement reduces the power Schoonen’s motor has available for displacing the shade sections.

There is yet another fundamental difference between the claimed invention and Schoonen’s device for rolling up/rolling down a shade. Pending independent claims 1 and 32 include the recitation of a “vertical guide” for directing, or limiting, movement of the rotary drive, or rotary drives, to vertical travel during raising and lowering of the

curtain sections. Thus, the rotary drive, or drives, in the claimed invention moves upward and downward with the unrolling and rolling up of the curtain sections to which it is connected. However, in Schoonen motor 3 is described as “immovably fastened to the frame construction 2” (see column 3, lines 45 and 46) and thus does not move with the curtain sections during the rolling up and unrolling process, as claimed.

Finally, the right-angle transmission 5 and the upper and lower transmissions 7, 8 of Schoonen offer only limited torque in rotating the curtain tubes to which they are connected which restricts the length of curtain sections with which these transmission devices can operate. Making these transmission devices larger to increase available torque would result in increased curtain assembly weight which would also restrict the length of the curtain sections with which the Schoonen curtain drive arrangement could operate. Directly connecting the combination of an electric drive motor and associated gear box to the curtain tube as in the claimed invention allows this combination to move up and down with the curtain section to which it is connected, and provides increased torque for displacing the curtain section.

The Examiner relies upon the combination of Schoonen and Imhoff in rejecting under 35 USC §103(a) claims 12, 13, 22, 23, 37 and 38. These claims recite the use of connecting pins inserted through a lower portion of a curtain section and into a lower rod for connecting the rod to the curtain section. The ‘326 patent to Imhoff has little to do with the claimed invention in that it discloses only a single partition section 12 and incorporates a cable 26, pulley 28 and a suspended counterweight 42 for the purpose of taking weight off of the partition 12 by compensating for the weight of the combination of the gear box 22, electric motor 24 and roller assembly 44 in the raising and lowering

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of the partition 12. Moreover, in Imhoff the electric motor 24 is directly connected to and moves with the roller assembly 44, while in Schoonen the stationary motor 3 is connected to the roll-up/unroll mechanisms 7, 8 by a complicated linear shaft and transmission arrangement.

The Examiner relies upon the '822 patent to Schoonen as an anticipatory reference with respect to the claimed invention. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of the claimed invention. *RCA Corp. v. Applied Digital Data Systems, Inc. et al.*, 221 USPQ 385, 388 (Fed. Cir. 1984). However, the relevant statutory standard for determining anticipation as set forth under §102 is a high standard, for the prior art reference must teach the very invention of the patent and disclose every material element of the claim in question. Unless all of the same elements are found in exactly the same situation and united in the same way to perform an identical function in a single prior art reference, there is no anticipation. *General Battery Corp. v. Gould Inc.*, 215 USPQ 1007, 1014-1017 (D. Del. 1982). In the present case, the '822 patent to Schoonen does not disclose a curtain drive arrangement wherein a rotary drive rolling up and unrolling the curtain sections is disposed between the laterally spaced curtain sections and moves up and down with the curtain sections as they are rolled up and unrolled. Nor does Schoonen disclose first and second rotary drives coupled to respective rods of a first upper curtain section and a second lower curtain section for rolling up and unrolling the curtain sections in raising and lowering the curtain sections, where the rotary drives move with the curtain's sections as they are raised and lowered. A vertical guide is provided in the claimed invention for limiting movement of the two

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rotary drives to the vertical direction and to prevent a torque exerted by the curtain sections from changing the position or orientation of the rotary drives. Schoonen does not include this recited structure and function because Schoonen's motor is fixedly attached to the support structure of the shade system.

The Examiner relies upon the combination of Schonon and Imhoff as a basis for an obviousness rejection of some of the pending claims. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference, or references when combined, must teach or suggest all the claimed limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and must not be based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Examiner has been unable to point out where there is the suggestion in either reference to combine it with the other, nor is there any reasonable expectation of success in either of these references that it could be successfully combined with the other to arrive at the claimed invention. This is particularly applicable to the Schoonen patent which does not disclose any mechanical fastening or connection between either of the tubes 9 and 10 and its associated screen section. The combination of references relied upon by the Examiner must disclose all of the claimed elements in an obviousness rejection. *Motorola v. Interdigital Technology Corp.*, 43 USPQ 1481, 1490 (Fed. Cir.

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1997) Because this is not the case here, the §103(a) rejection based on Schoonen and Imhoff must fail.

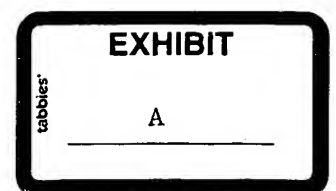
With this amendment, all of the pending claims are believed to define patentable subject matter. Therefore, reconsideration and allowance of the pending claims is respectfully solicited.

Respectively submitted,

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Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE
UNABRIDGED

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measures and weights

Color:

Two plates in color
Constellations and Signs
Constellations and Signs

said of snow) **1**: to set and keep in motion or in action through application of some amount of force: **2**: to impart an onward or forward motion to by expenditure of physical force: PROPEL (he slammed the door and *drove* the bolt home) (cheerily *drove* his pen into the paper) **3**: to impel or urge (the driving trade winds ~ the equatorial currents) (*driving* his canoe onto the beach) **4**: to impart violent motion or great impetus to: hurl, thrust, plunge, or press irresistibly — used with a following preposition or particle: **5**: to hit the ball or direct (a team) to win: **6**: to urge so as to hit the ball or direct (a team) to win the knees) (*he drove* the muzzle hard into the man's face — Max Peacock); *spec*: **VAPORIZE** — used with off (heat will ~ off the quicksilver) **7**: to urge along (as cattle) guiding and often goading (*he drove* the barges) **8**: to cause to penetrate with force (as a man would ~ a nail — J.G. Frazer); *drive* forcibly (*I drove* my sword through his heart — Padraic Colum) **9**: to direct hostile force or a strong offensive movement against: exert strong force (the British *drove* the Arabs out of Egypt) (the task of *driving* the invaders back across the border — W. Van Dyke) (the German eagle *driven* from the seas — R.W. Van Alstyne) (the noise would ~ you out of the place — A. J. Cronin) **10**: to remove from office or remove by reason of superior authority or influence or because of circumstantial pressure (as political or economic) (engaged in a long attempt to ~ Burr from public life — Nathan Schachner) (this webback competition annually ~ thousands of writers — J. Graham); *also*: to force the removal or banishment of (radio has *driven* the newspaper extra from the streets) **11**: to supply with moving power (machines *driven* by clockwork) (whether it was being *driven* as a generator or as a motor — J. H. Prynne) **12**: to operate (a car) **13**: to operate (a machine or speedboat) **14**: to convey a vehicle (he had to ~ his produce to market before daylight) **15**: to guide a vehicle along or through (*drive* the river road in all kinds of weather) (*drive* creek beds and side hills to reach the high ground) (*drive* the car into the ditch) (*drive* a vehicle of an articulated kind) (he always *drove* a sedan) **16**: to float (logs) down a stream **17**: to carry on or carry through energetically (shipowners were *driving* a roaring trade in oriental ports) **18**: to carry through to a successful result (he *drove* his campaign in Spain) **19**: to give up the advantage in something (he *drove* the advantage) (he *drove* the advantage without *driving* a hard bargain politically — Cecil Hobbs); *spec*: **1**: to lay out and construct by the methods of engineering (superhighway being *driven* across the state) **2**: to build a highway, *spec*: **1**: to exert effective pressure or compulsion to act in a certain way or to submit to a certain condition: **2**: to exert inescapable or coercive pressure on (a person) **3**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **4**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) indicating the direction of constraint (hunger *drove* him to steal) (to make us believe that his characters are fellow beings *driven* by their own passions and idiosyncrasies — Truman Capote) **5**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **6**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **7**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **8**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **9**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **10**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **11**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **12**: to urge or incite irresistibly: COERC. (the *drive* of an incentive) **13**: to urge or incite irresistibly: COERC. 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transmogrify

mitting; as α is the overall proportion of radiant energy homogeneous with respect to wavelength that is transmitted perpendicularly through a substance bounded by plane non-diffusing parallel surfaces (as a plate of glass or other homogeneous isotropic substance) in medium of series of such media (one another) in the direction of transmission, the amount of energy emerging from the last surface to the amount incident upon the first with the difference between the two amounts resulting from losses of radiant energy due to reflection at the surfaces and absorbance and scattering within the medium, is called the *transmittance factor* of the substance. The transmittance factor of a substance of radiance L in the above sense is denoted by τ .

the passage of radio waves in the space between transmitting and receiving antennas; **2**: the process of transmitting by radio or television; **3**: the gear including the change gear and the propeller shaft or driving chain by which power is transmitted from the engine to the propeller; **4**: a word also called also *garbo*; see **SELECTIVE TRANSMISSION**; **5**: the train of a watch; **6**: something that is transmitted; **MESSAGE** (the transmission of information); **7**: the transmission of information; **8**: the transmission bands n p i : the bands used in certain types of planetary transmission to clutch and stop the low and reverse transmission; **9**: a jacket usu. of cast iron for the transmission of an automobile; **10**: a dynamometer in which the power is measured without being absorbed or used up during transmission; **11**: compare **ABSORPTION DYNAMOMETER**; **12**: the ratio of the output to the input power of a circuit or device; **13**: a rating with a unique line or transparent background.

transmission level 1: the signaling-power level amplitude at any point in a communication system **2:** the radio field intensity at any point in a radio communication system

transmission line: a wire or cable that carries one or more communication signals to send energy, usu. at high voltage over a considerable distance; *specif 1:* a usu. metallic line used for the transmission of signals or for the adjustment of circuit performance and often consisting of a pair of wires suitably separated, a coaxial cable, or a wave guide

transmission loss: the loss of energy or voltage of a transmission line, current in passing, along a transmission line or path, or through a circuit device — compare **absorption 3**

transmission rope *n* a wire rope made of four or more strands of ordinary lay about a rope center and used for the transmission of power on drive shafts and pulleys

(-iw) 1: that transmits or serves to transmit (the ~ function of the nerves) (the ~ powers of a legislature) 2: that is or can be capable of being transmitted or depicted (characteristics ~ed in a picture) 3: that transmits or serves to transmit (-misse) (-fay) the quality or state of being transmissive; specif: the transmissibility of a unit thickness of absorbing, nondiffusing matter
trans-mis-sion-ism /-sī-māz-iz-əm/ n (Transmission) -iz-əm (-mī-z-iz-əm) a philosophy or other instrument used for measuring transmission; specif: an instrument that measures the visibility or the capability of the air to transmit light
trans-mis-sion-ist /-trān-sī-mīst, trān-, -nīz-, -s-, -wū -īd-ə-iz-əm/ n

[illegible]

western society — Ralph Linton) (visual aids ~ J.K.Blake) (some-
times the amount of information they ~ I.K.Blake) (some-
times the original power of the master is transmitted to the disciple
— C.D.Lewis) (2) : to pass on by inheritance or heredity
HAND DOWN (literally hand down) (the knowledge of the
past handed down to us dim image of their glorious vitality
~ W.Krutch; drew the inference that acquired habits cannot
be transmitted — G.B.Shaw) (selective breeding aims to
eliminate bad characteristics and ~ the good) @ : to give or
convey (a disease or infection) to another person or organism
CONVULSIONS (convulsions) (convulsion) (convulsive)
Antropes (dumb beings who are apparently well can't infect

Amur river ~ human (Mammals) ~ disease ~ Morrie (Fishbein) (mosquitoes ~ malaria)
 2 (1); to (as with light or force) to pass or be conveyed
 through space or a medium (the telephone ~ sound) (the
 power which an engine develops is *transmitted* to the wheels)
 vi by certain essential parts ~ Joseph Helfner (objects
 that are the source of the heat ~ the skin (the skin of
 Gieldard) (archer ~ their lands to the walls of the river)
 gorge ~ Amer. *Glad* (series: Mlun.) (2) to admit the passage
 of: CONDUCT (glass ~ light) (metals ~ electricity) 0; to
 send out (a signal) either by radio waves or over a wire. *Lin*
 ~ vi 1: to pass by transmission
 0; to send out (a signal) either by radio waves or over a wire. *Lin*
 ~ vi 1: to pass by transmission
 0; to send out (a signal) either by radio waves or over a wire. *Lin*

trans-mit-ta-ble /trænzˈmɪtəbəl/, træn-, -nɪz-; -itəb- /ɑd-
— capable of being transmitted (infections easily ~ to children)
— Morris Fishbein (~ power)

trans-mit-tal -i-d-i-, -nɪ- n s [recom-mi-tat̩ + -al]; TRANSMISSIONS
[report its findings and recommendations ~] for ~ Con-
trans-mis-sion -i-shən /trænzˈmɪʃən/ n c [the act of conveying information from one generation to another —Time] its values permeate the culture through the same process of ~ —J.K. Feibleman

trans-mit-tance -nəns /trænzˈmɪt(ə)n(s) + -əns/ n f TRANSMISSION
MISSION 1 The fraction of radiant energy that having entered

transmission capacity *transmissiõn kapasit'e* *sil' n* *trans* + *missiõn* + *-capacit'e*; the capacity for transmission; *a*: the ratio of the transmittance of a solution of a material to that of an equal thickness of the solvent *b*: TRANSMITTANCE 2

trans-mit-ter *trans'mit'õr* *trãn'-mít'-õr* *n* *trans* + *mit'* + *-õr* 1: *trans* + *mit'* + *-õr*; one that transmits; *a*: a person or an instrument that transmits information or which contains a mechanism for converting sound waves into equivalent electric waves *b*: (1) the portion of a telegraph instrument by which the message is sent *b* (1): *a* radio or television transmitting set

(2) TRANSMITTING STATION
transmitting set *n* (transmitting (seund of transmit) + set)
 → an apparatus for transmitting radio waves; esp. the part of a complete transmitting station that produces and modulates radio-frequency current and delivers it to the broadcasting antenna
transmitting station *n* an assemblage of equipment to send out or transmit radio waves including an antenna, transmitting set and telephone transmitter
transmission *n* (transmit + -ion), sing./pl. 'kūshān, trān-'
m - *n* : [fr. *transmigrare*], after such pairs as E: identity - identification] → an act, process, or instance of transmigrating

(~ into a porcupine ~ Florence B. Lennon) (in one of her more extensive ~s, imagined herself as a carpenter planing a board ~ R.S. Hillier)

trans-mor-gi-fy vran(t)~mɔ:gi.fɪ, trans-~m-~fɪ -tɪd/-tɪz- ~mɔ:gi-faɪn(v) to change or alter in form, ap-pear-ance, or structure often with grotesque or humorous effect (educational philosophy has been trans-mor-gi-fied since 1890) ~Amer. Council of Learned Soc. Newsletter) ~USEL used with out in wondering how the caricatured capitalism of his forbear-ers could be trans-mor-gi-fied into a humane system of cur-riculum planning (planned to trans-mor-gi-fy the sons of gro-cers into haughty young bloods ~H.M. McLuhan) (training which permits them to understand that an accent can be trans-mor-gi-fied into a river boy ~C.J. Hitch) 879 SE TRANSFORM

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